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C O N F I D E N T I A L NAIROBI 001243

SIPDIS

E.O. 12958: DECL: 3/18/2026

TAGS: [MOPS](#) [PHSA](#) [ASEC](#) [PTER](#) [KE](#) [SO](#)

SUBJECT: SOMALI PIRATES CAPTURED AFTER FIRING ON US NAVY

Classified By: PolCouns Michael J. Fitzpatrick. Reasons 1.4(a,b,d)

¶1. (C) SUMMARY: Post sees no likelihood of Kenyan prosecution of those captured March 18 for armed attack against U.S. warships off the coast of Somalia. Post supports direct transfer (NOT via Kenya) of the detainees for U.S. prosecution. END SUMMARY.

¶2. (SBU) Presumed Somali "pirates" engaged in armed fire against U.S. Naval vessels in international waters off the coast of Somalia, in the early hours of March 18. Post understands that the Somalis initiated fire against the U.S. vessels after one ship began lowering RHIBs to undertake standard boarding procedures. After returning fire, the U.S. Navy heavily damaged at least one of three small skiffs, killed one attacker, captured approximately one dozen others and rendered medical assistance to detainees. (Post has no knowledge as to whether (and what kinds of) onshore medical facilities may be required. We understand the U.S. ships are NOT currently headed towards Kenya.) Navy is subsequently collecting evidence, including weapons.

¶3. (SBU) After notification by State Ops Center, Charge convened POL, RSO, DAO, KUSLO, Regional Affairs, Public Affairs and FBI representatives the morning of March 18 and again early evening in order to exchange information and consider alternative courses of action.

¶4. (C) JURISDICTION FOR PROSECUTION?: Post sees no Kenyan linkage to this incident -- nor much likelihood that Kenyan authorities would be anxious right now to prosecute more Somalis for high seas piracy. (NOTE: The Kenyan trial of 10 Somalis captured by the U.S. Navy January 21 for the pirating of an Indian dhow is still ongoing, though close to conclusion in the port city of Mombasa. END NOTE.). Legatt has been in touch with Department of Justice re U.S. desire to prosecute for what appears to be an armed attack on a U.S. man of war (vice piracy). We understand there is a strong possibility of U.S. prosecution but no final determination has yet been made.

¶5. (C) POSSIBLE REPERCUSSIONS?: The crew of a separate Indian dhow has been held hostage by Somali pirates in the same general coastal area since February 26. An Indian destroyer had previously been in the area, but has reportedly been recalled. The Indian government is reportedly negotiating ransom. It is unknown whether there is any relationship between the two sets of attackers -- or how those holding the Indians might respond to this latest anti-piracy incident.

¶6. (SBU) MEDIA: Post defers to the just-published NAVCENT statement (Release 043-06) regarding the incident. Post would appreciate information re U.S. decision to prosecute when that determination has been made.

¶7. (SBU) COMMENT: Post recommends the USG not seek to transport the detainees to Kenya, either for Kenyan prosecution or for ultimate transfer to the U.S. for prosecution. Post supports the possibility of U.S. prosecution and suggests that the detainees be kept in U.S. Navy hands until directly transferred to the U.S. for prosecution. Post also understands that there is no indication thus far that this incident was terrorism-related; it appears to be "just" the latest case of Somali pirates operating on the high seas.

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